IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 26TH OCTOBER 2007 / 4TH KARTHIKA 1929

WP(C).No. 26632 of 2007(U)

PETITIONERS:

1. V.N.MANY, AGED 45, S/O.NARAYANAN NAIR, VADAKKEDATH HOUSE, KODUVELIPPADY KOODALAPPAD KARA, KOOVAPPADY P.O., KOOVAPPADY VILLAGE.

2. A.A.KUMARAN, AGED 45, S/O.AYYAPPAN, AVANIPPILLIKUDY, KOODALAPPAD KARA, KOOVAPPADY P.O., KOOVAPPADY VILLAGE.

3. UDAYAKUMAR, AGED 41, S/O.MURALEEDHARAN, THOTTUPURAM HOUSE, KOODALAPPAD KARA, KOOVAPPADY P.O.

4. MANUEL, AGED 61, S/O.ANTONY, KANNOTH HOUSE, KOODALAPPAD KARA, KOOVAPPADY P.O, KOOVAPPADY VILLAGE.

BY ADV. SRI.V.RAJENDRAN (PERUMBAVOOR)
SRI.GEORGE VARGHESE KIZHAKKAMBALAM

RESPONDENTS:

1. STATE OF KERALA, REP. BY PRINCIPAL SECRETARY LOCAL ADMINISTRATION SECRETARIATE, THIRUVANANTHAPURAM.

2. OKKAL GRAMA PANCHAYATH, REP. BY ITS SECRETARY.

3. REVENUE DIVISIONAL OFFICER, MUVATTUPUZHA

4. JOJO ANTONY, PARAPPILLY HOUSE,
CHENGAL P.O., KALADY.

5. SENIOR ENVIRONMENTAL ENGINEER,
KERALA STATE POLLUTION CONTROL BOARD,
GANDHI NAGAR, KOCHI- 20.

R1 & R3 BY ADV. SRI. K.J.MOHAMMED ANZAR, SR. GOVT. PLEADER.
R4 BY ADV. SRI.THOMAS M.JACOB
SRI.G.RAJAGOPAL
R2 BY ADV. SRI.SIBY MATHEW
SRI.A.A.MOHAMMED NAZIR
R5 BY ADV. SRI.M.K.CHANDRAMOHAN DAS, SC.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/10/2007 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 26632 OF 2007

Dated this the 26th day of October, 2007

JUDGMENT

Heard Mr.V.Rajendran, counsel for the petitioner, Mr.M.K.Chandramohan Das, for the Pollution Control Board, Mr.Thomas M. Jacob, for the party respondent and Sri.Siby Mathew for the Panchayat.

2. The Pollution Control Board has filed a report in which it is stated that the party respondent does not have their consent in the matter of conducting his activities. The Secretary of the Panchayat has also filed a counter affidavit stating that she wanted to take action against the petitioner, but the Panchayat Committee does not permit her to take action.

Whatever that be, Ext.R2(a) licence application is presently pending before the Secretary of the Panchayat. The Secretary of the Panchayat will take up Ext.R2(a), hear the petitioner and the party respondent on the same, ensure that the statutory consent from the Pollution Control Board has been obtained by the petitioner and then take a final decision on Ext.R4(a) at the earliest and at any rate within 20 days of receiving copy of this judgment. If any application for consent submitted by the party respondent is pending before the 5th

respondent, the 5th respondent will take a decision on that application and communicate to the petitioner of the decision within 10 days of receiving copy of this judgment. In any event the final orders should be passed on Ext.R2(a) application by the Panchayat within 20 days as already ordered.

PIUS C. KURIAKOSE, JUDGE

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